



General Assembly

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Agenda item 138

Nationality of natural persons in relation to the succession of States

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Nationality of natural persons in relation to the succession of States" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 55/153 of 12 December 2000.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 15th and 26th meetings, on 28 October and on 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.15 and 26).
4. For its consideration of the item, the Committee had before it a note by the Secretariat containing the comments and observations of Governments on the question of a convention on the nationality of natural persons in relation to the succession of States (see A/59/180 and Add.1 and 2).

II. Consideration of draft resolution A/C.6/59/L.24

5. At the 26th meeting, on 17 November, the representative of Greece, on behalf of the Bureau, introduced a draft resolution entitled "Nationality of natural persons in relation to the succession of States" (A/C.6/59/L.24).
6. At the same meeting, the Committee adopted draft resolution A/C.6/59/L.24 without a vote (see para. 7).



III. Recommendation of the Sixth Committee

7. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Nationality of natural persons in relation to the succession of States

The General Assembly,

Having examined the item entitled "Nationality of natural persons in relation to the succession of States",

Recalling its resolution 54/112 of 9 December 1999, in which it decided to consider at its fifty-fifth session the draft articles on nationality of natural persons in relation to the succession of States prepared by the International Law Commission,

Recalling also its resolution 55/153 of 12 December 2000, the annex to which contains the articles on nationality of natural persons in relation to the succession of States,

Taking into consideration the comments and observations of Governments¹ and the discussion held in the Sixth Committee at the fifty-ninth session of the General Assembly² on the question of nationality of natural persons in relation to the succession of States, in particular, to preventing the occurrence of statelessness as a result of a succession of States,

Taking note, in this regard, of the efforts made at the regional level towards the elaboration of a legal instrument on the avoidance of statelessness in relation to State succession,

1. *Reiterates its invitation* to Governments to take into account, as appropriate, the provisions of the articles contained in the annex to resolution 55/153, in dealing with issues of nationality of natural persons in relation to the succession of States;

2. *Encourages* States to consider, as appropriate, at the regional or subregional levels, the elaboration of legal instruments regulating questions of nationality of natural persons in relation to the succession of States, with a view, in particular, to preventing the occurrence of statelessness as a result of a succession of States;

3. *Invites* Governments to submit comments concerning the advisability of elaborating a legal instrument on the question of nationality of natural persons in relation to the succession of States, including the avoidance of statelessness as a result of a succession of States;

4. *Decides* to include in the provisional agenda of its sixty-third session the item entitled "Nationality of natural persons in relation to the succession of States".

¹ A/59/180 and Add.1 and 2.

² *Official Records of the General Assembly, Fifty-ninth Session, Sixth Committee, 15th meeting (A/C.6/59/SR.15), and corrigendum.*



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Responsibility of States for internationally wrongful acts

Report of the Sixth Committee

Rapporteur: Ms. Anna Sotaniemi (Finland)

I. Introduction

1. The item entitled "Responsibility of States for internationally wrongful acts" was included in the provisional agenda of the fifty-ninth session of the General Assembly pursuant to Assembly resolution 56/83 of 12 December 2001.
2. At its 2nd plenary meeting, on 17 September 2004, the General Assembly, on the recommendation of the General Committee, decided to include the item in its agenda and to allocate it to the Sixth Committee.
3. The Sixth Committee considered the item at its 15th, 16th, 25th and 26th meetings, on 28 and 29 October and on 9 and 17 November 2004. The views of the representatives who spoke during the Committee's consideration of the item are reflected in the relevant summary records (A/C.6/59/SR.15, 16, 25 and 26).

II. Consideration of draft resolution A/C.6/59/L.22

4. At the 25th meeting, on 9 November, the representative of Trinidad and Tobago, on behalf of the Bureau, introduced a draft resolution entitled "Responsibility of States for internationally wrongful acts" (A/C.6/59/L.22).
5. At its 26th meeting, on 17 November, the Committee adopted draft resolution A/C.6/59/L.22 without a vote (see para. 6).



III. Recommendation of the Sixth Committee

6. The Sixth Committee recommends to the General Assembly the adoption of the following draft resolution:

Responsibility of States for internationally wrongful acts

The General Assembly,

Recalling its resolution 56/83 of 12 December 2001, the annex to which contains the text of the articles on responsibility of States for internationally wrongful acts,

Emphasizing the continuing importance of the codification and progressive development of international law, as referred to in Article 13, paragraph 1 (a), of the Charter of the United Nations,

Noting that the subject of responsibility of States for internationally wrongful acts is of major importance in relations between States,

1. *Commends once again* the articles on responsibility of States for internationally wrongful acts to the attention of Governments, without prejudice to the question of their future adoption or other appropriate action;

2. *Requests* the Secretary-General to invite Governments to submit their written comments on any future action regarding the articles;

3. *Also requests* the Secretary-General to prepare an initial compilation of decisions of international courts, tribunals and other bodies referring to the articles and to invite Governments to submit information on their practice in this regard, and further requests the Secretary-General to submit this material well in advance of its sixty-second session;

4. *Decides* to include in the provisional agenda of its sixty-second session the item entitled "Responsibility of States for internationally wrongful acts".